

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ALPHAMAR GROUP INC. d/b/a
ALPHA MAR-IMW CO.**

Plaintiff,

V.

M/V SE CERULEAN, her engines, boilers, tackle, furniture, apparel, appurtenances, etc., *in rem*

Defendant.

C.A. No. _____
IN ADMIRALTY, Rule 9(h)

VERIFIED ORIGINAL COMPLAINT

COMES NOW, Plaintiff, Alphamar Group, Inc. d/b/a Alpha Mar-IMW Co. (“Plaintiff”), and files this its Verified Original Complaint against Defendant, M/V SE CERULEAN, *in rem*, and, upon information and belief, alleges as follows:

Jurisdiction and Venue

1. This is a case of admiralty jurisdiction, 28 U.S.C. § 1333, as hereinafter more fully appears. This is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and is brought pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367.

2. Venue is proper in this Court because the Vessel is within this District.

The Parties

3. Plaintiff is a corporation or other business entity organized and existing under the laws of the State of Texas with a registered office at 5814 Heffernan, Houston, Texas 77087.

4. Defendant M/V SE CERULEAN is a Singapore flagged vessel, 19,454 gross tons, call sign 9V9934, IMO Number 9655169, which is now and will be during the pendency of this action within the navigable waters of this district and within the jurisdiction of this Honorable Court. The M/V SE CERULEAN is presently berthed in the Port of Houston, Texas.

The Facts

5. Plaintiff is a repair and/or maintenance contractor that provides marine services, both directly and through other vendors. In or about May 2015, Plaintiff agreed to provide, directly and/or through other vendors, the necessary labor, equipment and materials to provide various marine services for the M/V SE CERULEAN at the request and upon the order of the owner and/or manager and/or operator, or other authorized representative of the Vessel, during the Vessel's call at the Port of Houston, Texas. Plaintiff directly and/or through other vendors provided the labor, equipment, and materials as agreed. The principal amount balance owed for these items already furnished to the M/V SE CERULEAN at the request of and upon the order of her owner and/or manager and/or operator and/or other authorized representative of the Vessel, as nearly as can be presently calculated, totals \$96,486.25. *See Exhibit "A"*.

6. Plaintiff presented the owner and/or manager and/or operator of the Vessel, through its duly authorized agent or representative, with its invoice reflecting a balance due in the amount of \$96,486.25 in favor of Plaintiff for labor, equipment and materials provided to the Vessel, and duly demanded payment.

7. Despite due demand, Defendant and/or her owner and/or manager and/or operator has wrongfully refused and failed to pay the \$96,486.25 principal balance owing to Plaintiff.

8. The Defendant's and/or her owner's and/or manager's and/or operator's wrongful refusal and/or failure to pay the \$96,486.25 balance owing to Plaintiff constitute a material breach and wrongful repudiation of the agreement.

9. Because of this material breach and wrongful repudiation, Plaintiff is owed and has sustained damages in the approximate principal amount of \$96,486.25, together with interest, costs, expenses and attorney's fees, no part of which has been paid, although duly demanded.

10. Plaintiff alleges that it has a maritime lien against the M/V SE CERULEAN for sums due it for the labor, equipment and materials supplied to the Vessel and therefore files this Verified Original Complaint to enforce its lien.

In rem claim against the M/V SE CERULEAN

11. Plaintiff realleges and incorporates by reference each and every allegation set forth in Paragraphs 1 through 10 as if fully set out at length.

12. Plaintiff has a maritime lien, pursuant to 46 U.S.C. § 31341, *et. seq.*, against the M/V SE CERULEAN in the principal amount, as nearly as can be calculated, of \$96,486.25 for labor, equipment and materials furnished to the Vessel at the request of and upon the order of her owner and/or manager and/or operator and/or other authorized representative of the Vessel, which may be enforced by the *in rem* seizure of the vessel. Pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, Plaintiff requests that process in due form of law, according to the practices of this Court, issue against the M/V SE CERULEAN, her equipment, appurtenances and freights, etc., *in rem*, and that all persons claiming

any interest in the Vessel or in this matter be required to appear and answer the matters set forth above.

Conditions Precedent

13. All conditions precedent have been performed or have occurred.
14. All and singular of the premises are true and within the admiralty jurisdiction of the United States of America and of this Honorable Court.

Prayer

WHEREFORE, Plaintiff prays:

- a. That process in due form of law, according to the practice of this Court in cases of admiralty jurisdiction issue against the M/V SE CERULEAN, her equipment, appurtenances and freights, etc., *in rem*, and that all persons claiming any title or right to said vessel be cited to appear and answer under oath the allegations of this Verified Original Complaint;
- b. That a judgment be entered in favor of Plaintiff against the M/V SE CERULEAN, her equipment, appurtenances and freights, etc., *in rem*, in the approximate amount of \$96,486.25, together with interest, costs, expenses and attorney's fees;
- c. That the M/V SE CERULEAN, her equipment, appurtenances and freights, etc., *in rem*, be condemned and sold, free and clear of all liens and encumbrances to satisfy the judgment against the Vessel and that this Court award Plaintiff out of the proceeds of said sale the full amount of its damages, together with interest, costs, expenses and attorney's fees; and

- d. That this Court grant to Plaintiff such other and further relief as may be just and proper.

Respectfully submitted,

/s/ Dimitri P. Georgantas

Dimitri P. Georgantas

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